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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,364	12/19/2000	Matthew R. Curreri	MATP-600US	4950

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EXAMINER	
BELIVEAU, SCOTT E	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/740,364	CURRERI, MATTHEW R.	
	Examiner	Art Unit	
	Scott Beliveau	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 April 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification of in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 104 (Figure 1); 22 (Figures 3-9). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 2 is objected to because the phrase "if a corresponding channel if bookmarked" should be amended to read "if a corresponding channel is bookmarked". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11, 13, 14, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohkura et al. (US Pat No. 5,719,637).

In consideration of claims 11, 14, and 19, as illustrated in conjunction with Figures 48 and 49, the Ohkura et al. embodiment discloses a "computer program causing the computer" [29] to form the display of a "user interface" comprising a "channel matrix having n columns and m rows for display a plurality of definable channels indicators for at most n x m channels, where n and m are positive integers greater than 2, each definable channel indicator corresponding to a respectively different position in the matrix". The embodiment discloses that the embodiment is operable to "move a cursor over a channel indicator in the matrix to modify a bookmark status of a corresponding channels" [A] (Figures 84 and 85) such that "responsive to a user command" a bookmark is "added or removed" (Figure 43). Channels indicators that are currently bookmarked are "highlighted" wherein the "highlighting comprises . . . displaying symbols" [B].

Claim 13 is rejected wherein the reference discloses that the combined references "responsive to a user command" is operable to "display, relative to a selected channel number, one of the next higher or next lower bookmarked channel number from the channel number corresponding to a current cursor position" (Col 21, Line 29 – Col 22, Line 16).

Claim 17 is rejected in light of the rejection of claim 11 wherein the embodiment as illustrated in conjunction with Figure 1-4 of Ohkura et al. comprises "means for displaying" [4], "means for highlighting" [29], "means for moving a cursor" [52], and "means for, responsive to a user command adding or removing a bookmark" [55].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agasse (WO 00/05886) in view of Lajoie et al. (US Pat No. 5,850,218).

In consideration of claim 1, the Agasse reference, as illustrated in conjunction with Figures 8A/B illustrates a "display interface having a group of channels for tuning a television receiver". The "display interface" [80] comprises a "channel matrix having n columns and m rows for display a plurality of definable channels indicators for at most n x m channels, where n and m are positive integers greater than 2, each definable channel indicator corresponding to a respectively different position in the matrix" (Page 20, Line 27 – Page 21,

Line 2), a "cursor configured to be moved to positions along the rows and columns of the matrix" [83] that further services as a "channel selector" (Page 21, Lines 4-21), and a "channel status section" [84] that "displays status information" in the form of information detailing the program title and broadcast time "on a television channel corresponding to the indicator at the position of the cursor on the matrix" (Page 21, Lines 4-9).

The reference, however, does not explicitly disclose nor preclude a method for bookmarking or designing favorite channels. Accordingly, the reference does not disclose nor preclude that the "status information" [84] may not further comprise additional information such as that "bookmarked channel information" indicating that the particular channel is or is not bookmarked as defined in the specification. The LaJoie et al. reference discloses an electronic program guide that further enables a user to "bookmark" channels by designating them as favorites (Col 19, Line 39 – Col 20, Line 8; Col 23, Lines 1-43). As illustrated in conjunction with Figure 8, it is known in the art in conjunction with the display of general information regarding a selected program to further display "status information comprising bookmarked channel information" [166] (Col 19, Lines 29-38). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the Agasse program guide to further support the ability to "bookmark" channels as taught by LaJoie et al. for the purpose of providing a means by which a user may indicate their channel viewing preferences. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the "status information" bar [84] of Agasse so as to further display additional information including "bookmarked channel information" for the purpose of advantageously utilizing a "general information bar"

[84] that further provides the user with the ability to easily and readily obtain further information regarding a selected channel/program including the program description, program features (ex. closed captioning, SAP, etc.) pertaining to the selected program, and whether or not the channel is deemed a favorite without the inconvenience of having to change screens.

8. Claims 1-7, 11-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agasse (WO 00/05886) in view of Bedard (US Pat No. 5,805,235).

In consideration of claim 1, the Agasse reference, as illustrated in conjunction with Figures 8A/B illustrates a "display interface" [80] for a "television receiver" [13]. The "display interface" [80] comprises a "channel matrix having n columns and m rows for display a plurality of channels indicators for at most n x m channels, where n and m are positive integers greater than 2, each channel indicator corresponding to a respectively different position in the matrix" (Page 20, Line 27 – Page 21, Line 2), a "cursor configured to be moved to positions along the rows and columns of the matrix" [83] that further services as a "channel selector" (Page 21, Lines 4-21), and a "channel status section" [84] that "displays status information" in the form of information detailing the program title and broadcast time "on a television channel corresponding to the indicator at the position of the cursor on the matrix" (Page 21, Lines 4-9).

The reference, however, does not explicitly disclose nor preclude a method for bookmarking channels. The Bedard reference discloses a method for the bookmarking of channels. Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the Agasse embodiment so as to enable the bookmarking

of channels as taught by Bedard for the purpose of providing a means by which a viewer may quickly locate a program/channel of interest (Bedard: Col 1, Lines 33-45). Accordingly, in view of the combined references, the Agasse embodiment is operable to display "status information comprising bookmarked channel information" wherein the bookmarked channel information comprises information pertaining to the time and title of the program being broadcast. The claim is not limiting such that bookmarked channel information need necessarily comprise information designating if the channel is or is not bookmarked.

In consideration of claims 2 and 3, the Agasse reference does not explicitly disclose nor preclude the further designation of a channel indicator in conjunction with the channels as displayed in the channel matrix. The Bedard reference discloses a method wherein the image associated with a particular channel is "highlighted to indicate if a corresponding channel is bookmarked" wherein the "highlighting comprises . . . displaying symbols" [30/31]. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to display the "highlighted information" [30/31] in conjunction with the sub-pictures of the matrix display of Agasse for the purposes of enabling the user to quickly ascertain when viewing a matrix display comprising images from multiple channels those programs/channels that are currently available and having been designated of interest.

Claims 4 and 5 are rejected wherein "ones of the bookmarked channels have at least one predetermined property" wherein that property "depends, at least in part, on information about the channels contained in an electronic program guide and the bookmarking of channels is modified at times corresponding to times at which changes in the property are to occur as described in the electronic program guide". For example, the Bedard reference

discloses that the bookmarking may be dependent upon a "predetermined property" such as being associated with a particular program. The bookmark of a particular channel subsequently depends on the EPG data indicating that the particular program is being broadcast (Bedard: Col 4, Lines 10-21).

Claim 6 is rejected wherein the Bedard embodiment comprises a "remote control device" [10] further comprising "at least one bookmark key for designating a selected channel as bookmarked or not bookmarked" [24] (Col 4, Lines 10-35).

In consideration of claim 7, the Agasse reference discloses the use of a "remote control device" [29] including "at least one of each of a 'browse previous' and a 'browse next' key for displaying, relative to a selected channel number, a next lower channel number bookmarked channel and a next higher channel number bookmarked channel, respectively" [42] (Page 21, Lines 4-11). The claim does not explicitly require that the particular navigation need directly between "bookmarked channels" thereby skipping the navigation between any intervening non-bookmarked channels. Alternatively, the Bedard reference discloses that the "remote control device" [10] comprises including "at least one of each of a 'browse previous' and a 'browse next' key for displaying, relative to a selected channel number, a next lower channel number bookmarked channel and a next higher channel number bookmarked channel, respectively" [27] (Col 4, Lines 42-51).

In consideration of claim 11, the Agasse reference, as illustrated in conjunction with Figures 8A/B illustrates a "user interface" [80] comprising a "channel matrix having n columns and m rows for displaying channel indicators for at most n x m channels, where n and m are positive integers greater than 2, each channel indicator corresponding to a

respectively different position in the matrix" (Page 20, Line 27 – Page 21, Line 2) and a "cursor" [83] for navigating among the displayed channels (Page 21, Lines 4-21).

The reference, however, does not explicitly disclose nor preclude a method for bookmarking channels and subsequently highlighting the indicators corresponding to those channels. The Bedard reference discloses a method for the bookmarking of channels such that "responsive to a user command" a user is operable to "modify a bookmark status of a corresponding channel" thereby "adding or removing a bookmark" in conjunction with navigating between channels (Col 4, Lines 10-35). Corresponding channels that have been bookmarked are subsequently "highlighted" [30/31]. The Bedard reference further suggests that the particular method of bookmarking may be performed in other modes such as in conjunction with an EPG (Col 5, Lines 23-35). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the Agasse embodiment so as to enable the bookmarking of channels as taught by Bedard for the purpose of providing a means by which a viewer may quickly locate a program/channel of interest (Bedard: Col 1, Lines 33-45) in conjunction with the viewing and navigating of a matrix of channels.

Claim 12 is rejected as aforementioned wherein the "channel status section" [84] of Agasse "displays status information" in the form of information detailing the program title and broadcast time "on a television channel corresponding to the indicator at the position of the cursor on the matrix" (Page 21, Lines 4-9). In light of the combined references, the displayed "status information" includes "bookmarked channel information". The claim is not

limiting such that bookmarked channel information need necessarily comprise information designating if the channel is or is not bookmarked.

Claim 13 is rejected wherein the Agasse reference discloses that the combined references "responsive to a user command" is operable to "display, relative to a selected channel number, one of the next higher or next lower bookmarked channel number from the channel number corresponding to a current cursor position" [42] (Page 21, Lines 4-11). For example, as illustrated in Figure 8B, presuming that channel 16 is a bookmarked channel and channel number 15 is initially selected, the claimed limitations would be met in conjunction with the "user command" to navigate to the subsequent channel.

Claim 14 is rejected wherein the Bedard reference discloses that the "act of highlighting comprises . . . displaying symbols" [30/31].

Claims 15 and 16 are rejected wherein "all of the channels having a predetermined property" may be bookmarked via the user wherein that property "depends, at least in part, on information about the channels contained in an electronic program guide and the bookmarking of channels is modified at times corresponding to times at which changes in the property are to occur as described in the electronic program guide". It is known in the art that at any given moment a particular program may comprise a unique property for all channels. For example, NBC's program "The Apprentice" is broadcast only on NBC during a particular timeslot. Accordingly, the Bedard reference implicitly discloses that the bookmarking of a particular program such as "The Apprentice" serves to "bookmark all channels having a predetermined property" or those currently broadcasting that particular program. The bookmark of a particular channel subsequently depends on information in the

EPG and further changes based on changes in the property are to occur as described in the electronic program guide such that the bookmark is removed at the end of the program broadcast (Bedard: Col 4, Lines 10-21).

Claim 17 is rejected in light of the rejection of claim 11 wherein the embodiment as illustrated in conjunction with Figure 2 of Agasse comprises "means for displaying" [14], "means for highlighting" [31], and "the means for moving a cursor" [29], and "means for responsive to a user command, adding or removing a bookmark" [31].

Claim 19 is rejected as set forth in conjunction with claim 11 wherein the embodiment is operable to be implemented via software (Agasse: Page 12, Line 21 – Page 13, Line 3).

9. Claims ~~1-7, 11-17, and 19~~ 1 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agasse (WO 00/05886) in view of Bedard (US Pat No. 5,805,235), and in further view of applicant's admitted prior art.

In consideration of claim 18, the Agasse reference while disclosing the particular usage of the MPEG2 receiver does not explicitly disclose nor preclude that the received signals may correspond to a "first and second configurations". The applicant's admitted prior art discloses that it is known in the art to distribute multiple programs in an individual channel that which include up to 10 minor channels (IA: Page 1, Line 5 – Page 2, Line 12). Accordingly, it would have been obvious to one having ordinary skill in the art to utilize sub-channels in conjunction with the distribution of programming for the purpose of allowing broadcasters to take advantage of the ability to distribute several additional channels of information which previously occupied by a single analog television channel. In light of such a modification, the "channels corresponding to the indicators in the matrix" of Agasse

would support a "first and second configuration". For example, channel 12 may comprise both a "first configuration" or channel 12-1 and a "second configuration" or channel 12-2. Given the independent nature of the channel content, one would conclude that they would be displayed separately in the matrix and would be independently selectable in a manner similar to that of illustrated non-multiprogram channel embodiment. Accordingly, given that the Bedard bookmarking is specific to programs/channels, the combined teachings would therefore suggest that the embodiment would further include the "means for modifying the channel indicators corresponding to the channels having the first configuration and not modifying the channel indicators corresponding to channels having the second configuration" for the purpose of enabling a viewer to independently designate both channels and programming of interest in a manner similar to that performed in conjunction with the single program channel teachings.

10. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agasse (WO 00/05886), in view of Bedard (US Pat No. 5,805,235), and in further view of Handelman (US Pat No. 6,654,721).

In consideration of claim 8, the combined Agasse and Bedard et al. references do not explicitly disclose nor preclude that the embodiment may further facilitate navigation within the program guide matrix utilizing a "voice recognition system". The Handelman reference discloses a "voice recognition system" [50] that "recognizes voiced direction commands to move the cursor along the rows and columns" of a program guide matrix and further "recognizes a voiced selection command to act as the channel selector" (Col 12, Lines 28-67; Col 14, Lines 14-51). Accordingly, it would have been obvious to one having ordinary skill

in the art at the time of the invention to modify the combined teachings so as to utilize the "voice recognition system" of Handelman for the purposes of advantageously providing a voice activation device and method for operating various program guide functions in a television system (Handelman et al.: Col 2, Lines 21-24).

Claims 9 and 10 recite similar limitations as those set forth in claims 6 and 7 with the exception being the particular usage of voice recognition commands. The combined Agasse and Bedard references do not explicitly disclose nor preclude the particular usage of voice commands in order to facilitate the designation of bookmarks or navigation to bookmarked channels. The Handelman reference discloses the usage of voice recognition in order to facilitate typically entered remote control commands. Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the combined teachings so as to utilize the "voice recognition system" of Handelman in order to facilitate the designation of bookmarks or navigation to bookmarked channels for the purposes of advantageously providing a voice activation device and method for operating various program guide functions in a television system (Handelman et al.: Col 2, Lines 21-24).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Kim (US Pat No. 6,600,522) reference discloses an auto channel search apparatus that displays a matrix of channels including channel related information and an indication pertaining to the transmission network.
- The Tsutsui et al. (US Pat No. 5,812,929) reference discloses a method and apparatus for displaying a matrix of channels with corresponding additional information.
- The Cherrick et al. (US Pat No. 5,528,304) reference discloses a picture-in-picture on-screen display for adjusting various television operating parameters.
- The Schneidewend et al. (US Pat No. 6,249,320) reference discloses a system and method for displaying major and minor channel numbers in an electronic program guide.
- The Oosterhout et al. (WO 98/56176) reference discloses a system and method for highlighting sub-images within a mosaic that meet user designated criteria.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907. The examiner can normally be reached on Monday-Friday from 9:00 a.m. - 6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB
April 10, 2004

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